

NO. 34,056

BOND \$ _____

96, 30 7 M

THE STATE OF TEXAS V. HERCULES MARINE SERVICES CORPORATION

CHARGE: COUNT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 - VIOLATE CLEAN AIR ACT -

CLASS B;

§ 382.091 (a) (1) (E) Health & Safety Code
CRIMINAL EPISODE

FILED
at 4:40 o'clock M.

(Direct File) (73990339)

JAN 08 1998

WITNESS:

JERRY D. E
BY Dennis Ross Texas
CLERK

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 30TH day of **NOVEMBER**, 1996, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT110, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths present in and to said court at said term that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 6TH day of **DECEMBER**, 1996, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT112, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 17TH day of **DECEMBER**, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT115, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

Larry Eugene Ballinger
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 10TH day of JANUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT112, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 9TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT110, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT115, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT113, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative

Code issued by the Texas Natural Resource Conservation Commission;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 6TH day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT112 and ET114, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT NINE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 21ST day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT112, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT TEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 23RD day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT113, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

COUNT ELEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **HERCULES MARINE SERVICES CORPORATION**, by and through its agent, Larry Eugene Ballinger acting within the course and scope of his office and employment, hereinafter styled Defendant, on or about the 27TH day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly release and cause to be released Cyclonexane from Barge No. ETT112, during the degassing and cleaning of marine vessels that contained a VOC with a vapor partial pressure greater than or equal to 0.5 pounds per square inch without

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processing the vapors through a vapor control system, violating Sections 115.541(b)(1) and 115.542(b)(1) of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE, TEN and ELEVEN above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.


FOREPERSON OF THE GRAND JURY